

Exhibit 16

1 IO: At this time, I've got 1025. We're going to go ahead and
2 recess for 10 minutes.

3 [The Article 32 hearing was recessed at 1025, 1 July 2013.]

4 IO: This investigation is called back to order. All parties
5 present when the investigation recessed are again present and time is
6 now 1039. At this time, the government can proceed with their next
7 witness.

8 TC: The government calls Special Agent Justin Kapinus.
9 SPECIAL AGENT JUSTIN KAPINUS, U.S. Army, was called as a witness for
10 the prosecution, was sworn and testified as follows:

11 DIRECT EXAMINATION

12 Questions by the trial counsel:

13 Q. And you are Special Agent Justin Kapinus, 48th MP
14 Detachment, 11th MP Battalion, Kandahar, Afghanistan?

15 A. Yes, ma'am.

16 Q. You're currently deployed?

17 A. Yes, ma'am.

18 Q. Where is your home station?

19 A. Here at Fort Stewart, ma'am.

20 Q. How long have you been at Fort Stewart?

21 A. It will be three years at the end of this month.

22 Q. How long have you been a CID agent?

23 A. Going on six years, ma'am.

1 Q. Do you know -- from your discussions with the on-scene
2 responders what was the Sergeant of the Guard, so to speak, the
3 person in charge of the MPs who responded, what was their first
4 response to the accused's report of finding his wife dead?

5 A. I know that they had initially went in the house, which is
6 procedure to clear the house to make sure that there's nobody in
7 there, just standard safety procedure. Upon entering the house, the
8 -- I want to say the patrol supervisor had witnessed the condition of
9 the room with sex paraphernalia on the bed and that caused him
10 concern and he informed us that he had placed the -- Private Aguigui
11 in hand irons, but then was instructed to take them off and allow him
12 to go to the hospital. And that was, of course, before we entered
13 the scene.

14 Q. Did you do anything else regarding the report before
15 entering the scene?

16 A. Before entering and before getting consent, we started to
17 canvas the neighborhood residence of the actual complex across the
18 street and anybody else that was home. We tried to gain some
19 information about if anybody had seen anything prior -- during this
20 incident to help maybe establish a timeline and some information that
21 we could use to investigate the case, ma'am.

22 Q. And, when you entered the apartment, you did so with what
23 purpose?